

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 619

Introduced by Howard, 9.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Mental Health Commitment Act;
2 to amend sections 71-906 and 71-915, Revised Statutes
3 Cumulative Supplement, 2008; to redefine a term; to
4 change provisions relating to membership on mental health
5 boards; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-906, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 71-906 Mental health professional means a person licensed
4 to practice medicine and surgery or psychology in this state under
5 the Uniform Credentialing Act, a licensed independent marriage and
6 family therapist licensed under the Uniform Credentialing Act, or
7 an advanced practice registered nurse licensed under the Advanced
8 Practice Registered Nurse Practice Act who has proof of current
9 certification in a psychiatric or mental health specialty.

10 Sec. 2. Section 71-915, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 71-915 (1) The presiding judge in each district court
13 judicial district shall create at least one but not more than three
14 mental health boards in such district and shall appoint sufficient
15 members and alternate members to such boards. Members and alternate
16 members of a mental health board shall be appointed for four-year
17 terms. The presiding judge may remove members and alternate members
18 of the board at his or her discretion. Vacancies shall be filled
19 for the unexpired term in the same manner as provided for the
20 original appointment. Members of the mental health board shall have
21 the same immunity as judges of the district court.

22 (2) Each mental health board shall consist of an attorney
23 licensed to practice law in this state and any two of the
24 following but not more than one from each category: A physician, a
25 psychologist, a ~~psychiatric social worker~~, a psychiatric nurse, a

1 licensed independent clinical social worker, a licensed independent
2 marriage and family therapist, a licensed marriage and family
3 therapist, or a layperson with a demonstrated interest in mental
4 health and substance dependency issues. The attorney shall be
5 chairperson of the board. Members and alternate members of a mental
6 health board shall take and subscribe an oath to support the
7 United States Constitution and the Constitution of Nebraska and to
8 faithfully discharge the duties of the office according to law.

9 (3) The mental health board shall have the power to issue
10 subpoenas, to administer oaths, and to do any act necessary and
11 proper for the board to carry out its duties. No mental health
12 board hearing shall be conducted unless three members or alternate
13 members are present and able to vote. Any action taken at any
14 mental health board hearing shall be by majority vote.

15 (4) The mental health board shall prepare and file an
16 annual inventory statement with the county board of its county of
17 all county personal property in its custody or possession. Members
18 of the mental health board shall be compensated and shall be
19 reimbursed for their actual and necessary expenses by the county
20 or counties being served by such board. Compensation shall be at
21 an hourly rate to be determined by the presiding judge of the
22 district court, except that such compensation shall not be less
23 than fifty dollars for each hearing of the board. Members shall
24 also be reimbursed for their actual and necessary expenses, not
25 including charges for meals. Mileage shall be determined pursuant

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1 to section 23-1112.

2 Sec. 3. Original sections 71-906 and 71-915, Revised

3 Statutes Cumulative Supplement, 2008, are repealed.